



DEPARTMENT OF THE ARMY

ST. PAUL DISTRICT, CORPS OF ENGINEERS
ARMY CORPS OF ENGINEERS CENTRE
190 FIFTH STREET EAST
ST. PAUL, MN 55101-1638

REPLY TO
ATTENTION OF

August 30, 2001

Construction-Operations
Regulatory (2001-06635-JJY)

Mr. Steve Oliver
Ankeny Kell Architects, P.A.
821 Raymond Avenue
Suite 400
Saint Paul, Minnesota 55114

Dear Mr. Oliver:

We have reviewed the information you provided about a project on the Jewish Community Center site in St. Louis Park. The site includes two small, isolated wetlands. The project site is in the NW 1/4 Sec. 6, T. 28 N., R. 24 W., Hennepin County, Minnesota, as shown on the attached drawings and maps.

No permit from the Corps of Engineers is necessary for this project. The project would not directly disturb either wetland. However, neither wetland is regulated by the Corps of Engineers under Section 404 of the Clean Water Act.

This jurisdictional determination takes into consideration the U.S. Supreme Court's decision in Solid Waste Agency of Northern Cook County v. Corps of Engineers (the SWANCC decision). The area encompassed by this jurisdictional determination includes two wetlands that are approximately 0.6 acre and 0.005 acre.

The subject water bodies are not "waters of the United States" because neither is: (1) a "navigable water" as defined by Federal law, (2) an interstate water, (3) part of a tributary system to (1) or (2), (4) a wetland adjacent to any of the foregoing, and (5) an impoundment of any of the above. In addition, the interstate commerce nexus to this particular waterbody is insufficient to establish Clean Water Act jurisdiction. These two water bodies are therefore not subject to regulation by the Corps of Engineers under Section 404 of the Clean Water Act. Please note that a water that is not jurisdictional or navigable under Federal law may still be subject to regulation by the State or other entities.

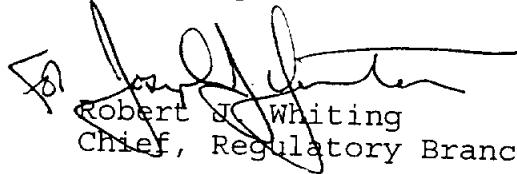
This jurisdictional determination is valid only for the project and water bodies referenced above. It is based on the Headquarters guidance available to us at this time.

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PLEASE NOTE THAT THIS LETTER DOES NOT ELIMINATE THE NEED FOR OTHER FEDERAL, STATE, LOCAL, OR OTHER AUTHORIZATIONS.

If you have any questions, contact Mr. Joseph Yanta in our St. Paul office at (651) 290-5362. In any correspondence or inquiries, please refer to the Regulatory number shown above.

Sincerely,


Robert J. Whiting
Chief, Regulatory Branch

Enclosures